

**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION OFFICE
OF ADMINISTRATIVE LAW JUDGES**

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| |) | |
| In the Matter of: |) | |
| |) | Docket No. 9428 |
| The Kroger Company and Albertsons Companies, Inc. |) | |
| |) | |
| |) | |

**UNOPPOSED MOTION FOR EXTENSION OF TIME FOR VITAMIN COTTAGE
NATURAL FOOD MARKETS, INC. TO FILE MOTION TO QUASH OR TO
LIMIT FEDERAL TRADE COMMISSION’S SUBPOENA *DUCES TECUM***

Non-Party Vitamin Cottage Natural Food Markets, Inc. (“Natural Grocers”) moves to extend the time for Natural Grocers to file a motion to quash or to limit a subpoena served on it by and Complaint Counsel for the Federal Trade Commission (“Complaint Counsel”). In support thereof, Natural Grocers states as follows:

1. On April 2, 2024, Complaint Counsel sent Natural Grocers, via email, a Subpoena *Duces Tecum* (the “Subpoena”) containing requests for documents, with a response date of April 25, 2024.
2. Pursuant to the Federal Trade Commission’s Rules of Practice, 16 C.F.R. §§ 3.34(c), Natural Grocers has ten (10) days in which to file a motion to quash or to limit the Subpoena from the date of service.
3. Counsel for Natural Grocers and Complaint Counsel are currently engaged in negotiations regarding the scope of the Subpoena and the time required for Natural Grocers to produce responsive documents. The parties' counsel spoke on April 12, 2024, which was the earliest available time to discuss the Subpoena. On April 15, 2024, Natural Grocers made an initial

production to Complaint Counsel. To facilitate further negotiations, Natural Grocers and Complaint Counsel have agreed that Natural Grocers shall have until April 22, 2024, to file a motion to quash or limit the Subpoena should Natural Grocers and Complaint Counsel be unable to resolve all issues regarding Natural Grocers' response to the Subpoena.

4. Therefore, Natural Grocers requests that this Court grant Natural Grocers until April 22, 2024, to file a motion to quash or to limit the Subpoena. Complaint Counsel does not oppose this request.

5. This extension has been agreed upon in order to afford Natural Grocers' counsel sufficient time to negotiate with Complaint Counsel regarding reasonable limitations and modifications of the Subpoena to reduce the burden on Natural Grocers of responding and thereby to potentially avoid the necessity of filing a motion to quash or to limit the Subpoena.

Dated: April 16, 2024

Respectfully submitted,

/s/ Hartmut Schneider

Hartmut Schneider
Wilmer Cutler Pickering Hale and Dorr LLP
2100 Pennsylvania Avenue NW
Washington, D.C. 20037
Phone: 202.663.6948
hartmut.schneider@wilmerhale.com

Counsel for Natural Grocers

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CERTIFICATE OF SERVICE

I hereby certify that on April 16, 2024, pursuant to Federal Trade Commission Rules of Practice 4.2(c) and 4.4(b), I filed the foregoing document electronically using the FTC's E-Filing system, which will send notification of such filing to:

The Honorable D. Michael Chappell
Chief Administrative Law Judge
Office of Administrative Law Judges
Federal Trade Commission
600 Pennsylvania Ave. NW
Washington DC 20580
OALJ@ftc.gov and electronicfilings@ftc.gov

James H. Weingarten or designee
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580
(202) 326-3570

I further certify that on April 16, 2024, I caused the foregoing document to be served via email to:

Charles Dickinson
James H. Weingarten
Emily Blackburn
Paul Frangie
Laura Hall
Janet Kim
Kenneth A. Libby
Eric Olson
Rohan Pai
Harris Rothman
Albert Teng
Elizabeth Arens
Jacob Hamburger
Joshua Smith
Katherine Bies
Lily E. Hough
Katharine Drummonds
Federal Trade Commission
Bureau of Competition
600 Pennsylvania Avenue, NW

PUBLIC

Washington, DC 20580
cdickinson@ftc.gov
jweingarten@ftc.gov
eblackburn@ftc.gov
pfrangie@ftc.gov
llhall1@ftc.gov
jkim3@ftc.gov
klibby@ftc.gov
eolson@ftc.gov
rpai@ftc.gov
hrothman@ftc.gov
ateng@ftc.gov
earens@ftc.gov
jhamburger1@ftc.gov
jsmith3@ftc.gov
kbies@ftc.gov
lthough@ftc.gov
kdrummonds@ftc.gov

Complaint Counsel

Michael B. Bernstein
Matthew Wolf
Sonia Pfaffenroth
Joshua Davis
Michael Kientzle
Jason Ewart
Yasmine Harik
Christina Cleveland
Arnold & Porter Kaye Scholer LLP
601 Massachusetts Ave, NW
Washington, DC 20001
Telephone: (202) 942-5227
michael.b.bernstein@arnoldporter.com
matthew.wolf@arnoldporter.com
sonia.pfaffenroth@arnoldporter.com
joshua.davis@arnoldporter.com
michael.kientzle@arnoldporter.com
jason.ewart@arnoldporter.com
yasmine.harik@arnoldporter.com
John Holler
Arnold & Porter Kaye Scholer LLP
250 West 55th Street
New York, NY 10019

PUBLIC

Telephone: (212) 836-7739

Mark Perry
Luke Sullivan
Weil, Gotshal & Manges LLP
2001 M Street, NW, Suite 600
Washington, DC 20036
Telephone: (202) 682-7511
mark.perry@weil.com
luke.sullivan@weil.com

Luna Barrington
Weil, Gotshal & Manges LLP
767 Fifth Avenue New York, NY 10153
Telephone: (212) 310-8421
luna.barrington@weil.com

Bambo Obaro
Weil, Gotshal & Manges LLP
201 Redwood Shores Parkway
Redwood Shores, CA 94065
Telephone: (650) 802-3083
bambo.obaro@weil.com

Counsel for The Kroger Company

Edward Hassi
Debevoise & Plimpton LLP
801 Pennsylvania Avenue, NW
Washington, DC 20004
Telephone: (202) 383-8135
thassi@debevoise.com

Michael Schaper
Shannon R. Selden
J. Robert Abraham
Natascha Born
Jaime Freilich-Fried
Marieugenia Cardenas
Tom E. Buckley
Heather T. Mehler
Marie Ventimiglia
Debevoise & Plimpton LLP
66 Hudson Boulevard
New York, NY 10001

PUBLIC

Telephone: (212) 909-6737
mschaper@debevoise.com
srselden@debevoise.com
jrabraham@debevoise.com
nborn@debevoise.com
jmfried@debevoise.com
mcardena@debevoise.com
tebuckley@debevoise.com
htmehler@debevoise.com
msventim@debevoise.com

Mike Cowie
James Fishkin
Dechert LLP
1900 K Street, NW
Washington, DC 20006
Telephone: (202) 261-3339
mike.cowie@dechert.com
james.fishkin@dechert.com

Thomas Miller
Dechert LLP
Cira Centre 2929 Arch Street
Philadelphia, PA 19104
Telephone: (215) 994-2906
thomas.miller@dechert.com

George L. Paul
White & Case LLP
701 13th Street, NW
Washington, DC 20005
Telephone: (202) 626-3656
gpaul@whitecase.com

Counsel for Albertsons Companies, Inc.

PUBLIC

Dated: April 16, 2024

Respectfully submitted,

/s/ Hartmut Schneider

Hartmut Schneider
Wilmer Cutler Pickering Hale and Dorr LLP
2100 Pennsylvania Avenue NW
Washington, D.C. 20037
Phone: 202.663.6948
hartmut.schneider@wilmerhale.com

Counsel for Natural Grocers

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES

_____)
In the Matter of:)
)
) Docket No. 9428
The Kroger Company and)
Albertsons Companies, Inc.)
)
)
_____)

**[PROPOSED] ORDER REGARDING DEADLINE FOR VITAMIN COTTAGE
NATURAL FOOD MARKETS, INC. TO FILE MOTION TO QUASH OR TO LIMIT
FEDERAL TRADE COMMISSION’S SUBPOENA *DUCES TECUM***

On April 16, 2024, Non-Party Vitamin Cottage Natural Food Markets, Inc. (“Natural Grocers”) filed an Unopposed Motion for Extension of Time for Natural Grocers to File Motion to Quash or to Limit Federal Trade Commission’s Subpoena *Duces Tecum*, requesting entry of an Order extending Natural Grocers’ deadline to file a motion to quash or to limit the Federal Trade Commission’s subpoena *duces tecum* until and including April 22, 2024.

Upon consideration of the motion and good cause having been shown,

IT IS SO ORDERED:

That the Unopposed Motion for Extension of Time for Natural Grocers to file Motion to Quash or to Limit Federal Trade Commission’s Subpoena *Duces Tecum* is GRANTED; and

Natural Grocers’ deadline to file a motion to quash or to limit the Federal Trade Commission’s subpoena *duces tecum* is hereby extended until and including April 22, 2024.

Dated: _____